

HOUSE BILL 278

C8

8lr0579

By: **Montgomery County Delegation**

Introduced and read first time: January 19, 2018

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Housing Opportunities Commission – Binding**
3 **Arbitration for Wages**

4 **MC 14–18**

5 FOR the purpose of authorizing the mediator–arbitrator of a collective bargaining impasse
6 concerning certain employees of the Housing Opportunities Commission of
7 Montgomery County to include wages in the report choosing the more reasonable
8 final offer; requiring the mediator–arbitrator, in determining the more reasonable
9 offer, to consider the bargaining history of certain employees’ wages and comparisons
10 of certain wages; and generally relating to binding arbitration for wages of employees
11 of the Housing Opportunities Commission of Montgomery County.

12 BY repealing and reenacting, with amendments,
13 Article – Housing and Community Development
14 Section 16–310
15 Annotated Code of Maryland
16 (2006 Volume and 2017 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Housing and Community Development**

20 16–310.

21 (a) (1) If the parties have not reached an agreement on or before December 1
22 on a collective bargaining agreement that would become effective the following July 1, the
23 parties shall jointly appoint a mediator–arbitrator.

24 (2) If the parties are unable to agree on a mediator–arbitrator, the labor

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 relations administrator shall name the mediator–arbitrator on or before December 7.

2 (3) Notwithstanding appointment of the mediator–arbitrator, this
3 subsection does not require beginning mediation–arbitration before the date set forth in
4 subsection (b)(2) of this section.

5 (b) (1) During the collective bargaining:

6 (i) either party may declare an impasse and request the services of
7 the mediator–arbitrator; or

8 (ii) the parties may jointly request the services of a
9 mediator–arbitrator before an impasse is declared.

10 (2) If the mediator–arbitrator finds in the mediator–arbitrator’s discretion
11 that the parties are at a bona fide impasse, or on February 1, if they still have not agreed
12 on a contract, whichever happens first, the mediator–arbitrator shall require the parties to
13 submit:

14 (i) a joint memorandum listing all items to which the parties have
15 previously agreed; and

16 (ii) a separate memorandum of the party’s last final offer presented
17 in negotiations on all items to which the parties have not previously agreed.

18 (c) (1) On or before February 10, if the parties have not agreed on a contract,
19 the mediator–arbitrator shall hold a nonpublic hearing on the parties’ proposals at a time,
20 date, and place chosen by the mediator–arbitrator.

21 (2) Each party shall submit evidence or make oral and written argument
22 in support of the party’s last final offer.

23 (3) The mediator–arbitrator may not open the hearing to a person who is
24 not a party to the mediation–arbitration.

25 (d) (1) On or before February 15, the mediator–arbitrator shall issue a report
26 choosing the final offer[, exclusive of wages,] that the mediator–arbitrator determines to
27 be more reasonable when viewed as a whole.

28 (2) In determining the more reasonable offer, the mediator–arbitrator may
29 consider only:

30 (i) past collective bargaining contracts between the parties,
31 including the bargaining history that led to the agreement or the precollective bargaining
32 history of employee **WAGES**, hours, benefits, and other working conditions;

33 (ii) a comparison of **WAGES**, hours, benefits, and conditions of

1 employment of similar employees of other public employers in the Washington
2 Metropolitan Area and in the State;

3 (iii) a comparison of **WAGES**, hours, benefits, and conditions of
4 employment of similar employees of private employers in Montgomery County;

5 (iv) the public interest and welfare;

6 (v) the ability of the employer to finance any economic adjustments
7 required under the proposed agreement;

8 (vi) the effects of any economic adjustments on the standard of public
9 services normally provided by the employer; and

10 (vii) the annual increase or decrease in consumer prices for all items
11 as shown in the most recent Consumer Price Index – Wage Earners and Clerical Workers
12 (“CPI–W”) for the Washington–Baltimore Metropolitan Area.

13 (3) In determining the more reasonable offer, the mediator–arbitrator shall
14 consider that all items on which the parties agreed before the mediation–arbitration are
15 integrated with each offer.

16 (4) The mediator–arbitrator may not receive or consider the history of
17 collective bargaining relating to the immediate dispute, including any offers of settlement
18 not contained in the offer submitted to the mediator–arbitrator.

19 (e) The mediator–arbitrator may not compromise or alter the final offer that the
20 mediator–arbitrator chooses.

21 (f) (1) Subject to paragraph (2) of this subsection and without ratification by
22 the parties, the offer that the mediator–arbitrator chooses as integrated with the items on
23 which the parties previously agreed is the final agreement between the Montgomery
24 Commission and the exclusive representative.

25 (2) The economic provisions of the final agreement are subject to funding
26 by the Montgomery Commission.

27 (3) The Montgomery Commission shall appropriate money in the
28 Montgomery Commission’s final budget for all economic provisions of the final agreement.

29 (4) The parties shall execute an agreement that incorporates the final
30 agreement, including arbitration awards and all issues agreed to under this section.

31 (g) The Montgomery Commission and the employee organization shall share the
32 costs of the arbitrator’s services equally.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2018.